

MAR. 24. 2008 4:13PM

JENKINS, WILSON & TAYLOR

NO. 5758

P. 1

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**DATE:** March 24, 2008

**TO:** Commissioner for Patents

**FAX NO.:** (571) 273-8300

**FROM:** Gregory A. Hunt (sda)

**RE:** Serial No. 10/809,963 (Our Ref. No. 1497/57)

NUMBER OF PAGES TO FOLLOW: 4

If transmission is poor, or if you do not receive all pages, please  
call (919) 493-8000 as soon as possible.

**COMMENTS:** Please see the following attachments:

Notification of Loss of Status as Small Entity (2 pages); and  
Notification of Error in Payment of Fee(s) as a Small Entity (2 pages).

If you have any questions, please do not hesitate to contact us.  
Thank you and best regards.

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Practitioner's Docket No. 1497/57

2008 MAR 26 PM 4:10 MAR 24 2008

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ahmed Doleh

Application No.: 10/809,963

Group No.: 2192

Filed: 03/26/2004

Examiner: Tecklu, Isaac Tuku

For: DATA COMMUNICATION VIA TRANSLATION MAP EXCHANGE

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Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

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NOTIFICATION OF LOSS OF STATUS AS SMALL ENTITY  
(37 C.F.R. § 1.27(g)(2))

1. Applicant asserted small entity status in this application on October 29, 2007 by:

payment of a 1-month extension of time fee as a small entity (37 C.F.R. § 1.27(c)(3))

## CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

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Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. § 1.8(a)

☐ with sufficient postage as first class mail.

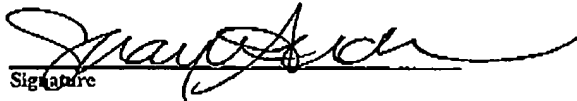
37 C.F.R. § 1.10\*

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Signature

Date: March 24, 2008

Shaylor D. Anderson

(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

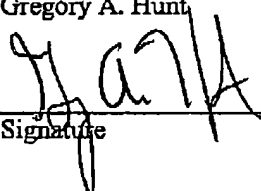
Notification of Error in Payment of Fee(s) as a Small Entity—page 1 of 2

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2. Applicant hereby notifies the Office, in accordance with the requirements of 37 C.F.R. § 1.27(g)(2), that it no longer has status as a small entity.

Gregory A. Hunt

Date: March 24, 2008

  
Signature

Suite 1200 University Tower  
3100 Tower Boulevard  
Durham, NC 27707

Practitioner of record § 34(b)  
Registration No: 41,085  
Customer No. 25297

Tel. No.: 919-493-8000

MAR 24 2008

Practitioner's Docket No. 1497/57

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ahmed Doleh  
Application No.: 10/809,963  
Filed: 03/26/2004  
For: DATA COMMUNICATION VIA TRANSLATION MAP EXCHANGE

Group No.: 2192  
Examiner: Tecklu, Isaac Tuku

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NOTIFICATION OF ERROR IN PAYMENT OF FEE(S) AS A SMALL ENTITY  
(37 C.F.R. § 1.28(c))

## Erroneous Filing of Small Entity Statement

1. On October 29, 2007, a small entity assertion was erroneously filed in this application.
2. This assertion of small entity status in this application and the payment of fee(s) as a small entity was/were made in good faith.

03/27/2008 DALLEN 00000008 500426 10809963

01 FC:1461 60.00 DA

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*  
(When using Express Mail, the Express Mail label number is *mandatory*;  
*Express Mail certification is optional.*)

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Date: March 24, 2008

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Shaylor D. Anderson

(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Notification of Error in Payment of Fee(s) as a Small Entity--page 1 of 2

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3. It has now been established that such status as a small entity was established in error in good faith as follows:

Applicant erroneously in good faith believed itself entitled to small entity status, and has now discovered that this is not so. Santera Systems, Inc., the Assignee of record, is an entity with fewer than 500 employees. At the time of filing of the patent application, Santera Systems, Inc., was a wholly owned subsidiary of Tekelec, a large entity. Accordingly, the application was filed asserting large entity status.

In April, 2007, GENBAND Inc., a small entity, purchased all of the outstanding equity in Santera Systems, Inc., from Tekelec. Accordingly, applicants' attorney believed the application to be entitled to small entity status and asserted small entity status by paying small entity extension of time fees with an amendment filed on October 29, 2007. On November 1, 2007, applicants' attorney learned that as part of the transfer to GENBAND Inc., Tekelec obtained a license back to the subject invention, thus disabling the application from small entity status.

Accordingly, the erroneous assertion of small entity status was in good faith. Accordingly, large entity status is now believed to apply to all documents filed in this patent application.

**Itemization of the Fee(s) Erroneously Paid as Small Entity**

4.	<u>FEE(S) ERRONEOUSLY PAID AS A SMALL ENTITY</u>	<u>FEE ACTUALLY PAID AS A SMALL ENTITY</u>	<u>DEFICIENCY OWED</u>
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1-month extension of time fee paid on October 29, 2007.	\$60.00	\$60.00
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**Total deficiency owed \$60.00**

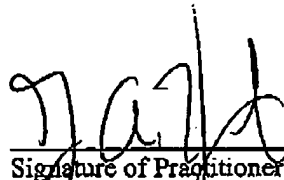
**Payment of Deficiency**

5. The total deficiency owed is paid as follows:

The Commissioner is hereby authorized to charge \$60.00, any deficiencies of payment, or credit any overpayment associated with the filing of this correspondence to Deposit Account No. 50-0426.

Date: March 24, 2008

Reg. No.: 41,085  
Tel. No.: 919-493-8000  
Customer No.: 25297



Signature of Practitioner  
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